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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/612,286

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Mitsuhiko Nebashi

249-311

5825

23117

7590

12/14/2004

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EXAMINER

SHAH, MANISH S

ART UNIT

PAPER NUMBER

2853

DATE MAILED: 12/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/612,286	Applicant(s) NEBASHI ET AL.	
	Examiner Manish S. Shah	Art Unit 2853	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/7/04</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 6 & 7 are recites the limitation "first frame and second frame" in line 4 & 5 of the claim 1, 6 & 7. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 & 3-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Asai et al. (# EP 0853003 A2).

Asai et al. discloses a printer including:

- a platen (figure: 1);

- a dot-impact type print head facing upward (element: 6, figure: 1);
- a first frame, which supports one of the platen and the print head (element: 2, figure: 1);
- a second frame, which supports the other one of the platen and the print head, the second frame being supported by the first frame so as to be pivotable between a first position and a second position (figure: 1-2), the first position being a position where the print head opposes to the platen to define a printing position at which printing is performed on a printing medium through an ink ribbon (element: 5, figure: 2) which are placed between the print head and the platen, the second position being a position where the print head and the platen are not opposed to each other; a discharge port, from which the printing medium which has been passed through the printing position is discharged (figure: 1-2); a first member, provided on the first frame; a second member, provided on the second frame; a first path, for guiding the printing medium, the first path defined by the first member and the second member so as to extend through the printing position to the discharge port, in a case where the second frame is placed at the first position (column: 4, line: 9-40);
- a third member, provided on the first frame; a fourth member, provided on the first frame; and a second path, for guiding the ink ribbon to be placed at the printing position, the second path defined by the third member and

the fourth member so as to branch from a downstream portion of the printing position in the first path (figure: 4-7).

- The printer further including an a pair of rollers which feed the printing medium held there between to the discharge port, wherein one of the rollers is provided on the second frame, and the other one of the rollers is placed between the first path and the second path (column: 5, line: 54-58; column: 6, line: 1-40; figure: 1-5); and a holder, provided in the first frame to hold a rolled printing medium therein; and a cover, provided on the second frame to open or close the holder (element: 23 , 23 a , figure: 2), wherein the first path extends from the holder such that the first path is also opened in a case where the second frame is placed at the second position (figure: 1-2, 4-7).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Asai et al. (# EP 0853003 A2) in view of Angel et al. (# US 6014921).

Asai et al. discloses all the limitation of the printer except that the automatic cutting mechanism including a first blade, placed between the first path and the second path; a second blade, provided on the second frame; and a driving mechanism, operable to move the second blade relative to the first blade to cut the printing medium placed between the first blade and the second blade.

Angel et al. teaches that to get the faster process and even cut, the printer has automatic cutting mechanism including a first blade, placed between the first path and the second path; a second blade, provided on the second frame; and a driving mechanism, operable to move the second blade relative to the first blade to cut the printing medium placed between the first blade and the second blade (figure: 1-2, column: 4, line: 9-67).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the cutter mechanism of Asai et al. by the aforementioned teaching of Angel et al. in order to have a even cut, and faster process, which saves time, and get the clean output.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Manish S. Shah whose telephone number is (571) 272-2152. The examiner can normally be reached on 8:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen D. Meier can be reached on (571) 272-2149. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Manish S. Shah
Primary Examiner
Art Unit 2853


MSS
12/9/04